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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Timothy A. Bird, Jacques J. Peschon, John
E. Sims, G. Duke Virca and Cynthia R.
Willis

Docket No.: 2009-US

Group Art Unit: 1642

Serial No: 09/884,001

Examiner: B. Brumback

Filed: June 18, 2001

For: sGNK POLYPEPTIDES (as amended)

RESPONSE TO RESTRICTION REQUIREMENT

And

AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

This responds to the Office communication mailed 15 July 2002, in which the Examiner required restriction of the claims to one of groups I through XI. Applicants submit herewith a petition for a four month extension of time, extending the period for response to the communication to 15 December 2002. This paper is timely filed on 16 December 2002, 15 December 2002 being a Sunday.

RESPONSE TO RESTRICTION REQUIREMENT

In response to the requirement for restriction, Applicants elect the invention of Group V, claims 61-63 WITH TRAVERSE. Applicants traverse on the ground that the claims of Groups IV and V should be examined in the same application.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Date: December 16, 2002By: Elizabeth M. McCarthy

Elizabeth M. McCarthy

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**Response to Restriction Requirement
And Amendment**

2009-US

The claims of Groups IV (claims 59 and 60) and V (claims 61-63) are directed to sGNK polypeptides. As noted by the Examiner, both groups of claims fall into the same class (class 530) and subclass (subclass 350). The Examiner has described the claims of Group IV as drawn to an "sGNK polypeptide encoded by a nucleic acid of SEQ ID NO:1" and the claims of Group V as drawn to a "sGNK polypeptide comprising SEQ ID NO:2." As noted in the specification, at page 5 line 32 to page 6 line 1, nucleotides 75-2549 of SEQ ID NO:1 encode sGNK polypeptide SEQ ID NO:2.

In view of the relationship between the claims of Groups IV and V, and the fact that it would not be an undue burden on the Examiner to search and examine the claims of Groups IV and V together, Applicants respectfully request reconsideration of the requirement for restriction, withdrawal of the requirement with respect to Groups IV and V, and examination of claims 59-63 in this application.

AMENDMENT

Please amend the specification by replacing the title with the following title:
-sGNK POLYPEPTIDES-.

REMARKS

Applicants have amended the title to reflect the subject matter of the elected claims. No new matter has been added. If a telephone interview would be helpful in advancing the prosecution of this application, Applicants' attorney invites the Examiner to contact her at the number provided below.

Respectfully submitted,



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